

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

806 B



FROM: TLMA - Planning Department

SUBMITTAL DATE: December 18, 2003

SUBJECT:

Alcoholic Beverage Control License
Determination of Public Convenience and Necessity (PNC-21)

CONTROVERSIAL ISSUES: NONE

RECOMMENDED MOTION: That the Board of Supervisors, based on the findings below, make a determination of Public Convenience and Necessity so that a new Type 21 General off-sale liquor licenses for Gas and Mini Market to allow the sale of alcoholic beverages for off-site consumption only at 17595 Grand Avenue, Lake Elsinore, CA., 92530 (APN 381241004) in the First Supervisorial District may be issued.

BACKGROUND: Following the civil unrest in the East Los Angeles area Government Code 23958.4 was enacted by the State Legislature. This section allows the State of California Department of Alcoholic Beverage Control (ABC) to deny an application for an ABC License if there is an "undue concentration of licenses". An "undue concentration" exists if it is deemed to be in a census tract where the ratio of on-sale or off-sale retail ABC licenses to population exceeds the ratio of on-sale or off-sale retail ABC licenses to population in the county in which the applicant premises are located. A license may still be issued, however, if the local agency determines that the public use and necessity would be served by issuance of the license. The statute provides no definition or standard for determining "public necessity & convenience".

The Alcoholic Control Board has determined that an "undue concentration" exists for Census Tract 0464.02 in the Lakeland Village District area. The ABC has determined that a "Public Convenience & Necessity" determination is required for the Gas and Mini Market located at 17595 Grand Avenue. The State Department of Alcoholic Beverage Control is requiring the applicant to obtain a determination of "Public Convenience and


Robert C. Johnson, Planning Director

RCJ:

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 1/14/04

Department Recommendation: Consent Policy
Per Executive Office: Consent Policy

Prev. Agn. Ref.

Dist.

AGENDA NO.

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.36

COUNTY OF RIVERSIDE

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OFFICE
EXECUTIVE

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RECEIVED

The Honorable Board of Supervisors

RE:

December 18, 2003

Page 2 of 3

Necessity" from the County prior to granting the license pursuant to Government Code Section 23958.4.

The applicant has applied with the State Department of Alcoholic Beverage Control for a Type 21 General Off-sale Liquor License for a Gas and Mini Market. This type of license authorizes the sale of liquor for consumption off the premises where the liquor is sold. The applicant is the new owner of the existing Gas and Mini Market. The previous owners held a Type 20 Off-Sale Beer and Wine license and have Planning Department approval under Plot Plan 15996.

The Honorable Board of Supervisors

RE:

December 18, 2003

Page 3 of 3

FINDINGS

1. The issuance of a new ABC license for Type 21 General Off-Sale Liquor License for will require no further action from the Riverside County Planning Department.
2. Per the attached radius map, no schools or other public facilities exist within a quarter mile of the subject premises.
3. Attached is a copy of the Riverside County Sheriff's Department's "calls for service." None of the calls reflect problems with the business. In addition the Sheriff's COPPS team has conducted a recent underage alcohol decoy program and the subject business WAS in compliance.
4. The State Department of Alcohol Beverage Control is requesting a determination of "public necessity and convenience" for the new license because this license will exceed the allowed number of ABC licenses in census tract no. 402.03.